

**SUPREME COURT MINUTES
MONDAY, JULY 31, 2006
SAN FRANCISCO, CALIFORNIA**

S117816 H023158 Sixth Appellate District

**MARINA, CITY OF v. BOARD OF
TRUSTEES**

Opinion filed: Judgment reversed and the cause remanded to that court with directions to order the superior court to vacate its writ of mandate and to issue a new writ consistent with the views set forth in this opinion.

Majority Opinion by Werdegar, J.

--- joined by George, C.J., Kennard, Baxter, Moreno and Corrigan, JJ.

Concurring Opinion by Chin, J.

S127513 B168950 Second Appellate District, Div. 6

**S.B. BEACH PROPERTIES v.
BERTI (RICHARD)**

Opinion filed: We reverse the judgment of the Court of Appeal and remand with instructions that the matter be returned to the trial court for reinstatement of its previous order denying the award of attorney fees and costs.

Opinion by Corrigan, J.

--- joined by George, C.J., Kennard, Baxter, Werdegar, Chin, Moreno, JJ.

S049741

PEOPLE v. SUFF (WILLIAM L.)

Extension of time granted to October 2, 2006, to file the appellant's opening brief. After that date, no further extension will be granted. Extension is granted based upon Supervising Deputy State Public Defender Jeffrey J. Gale's representation that he anticipates filing that brief by October 2, 2006.

S075136

**PEOPLE v. COVARRUBIAS
(DANIEL S.)**

Extension of time granted to September 19, 2006, to file the appellant's opening brief. After that date, only two further extensions totaling about 90 additional days are contemplated. Extension is granted based upon counsel Thomas Lundy's representation that he anticipates filing that brief by December 15, 2006.

S075726

PEOPLE v. MOORE (CHARLES E.)

Extension of time granted to October 2, 2006, to file respondent's brief.

S076175

PEOPLE v. LOY (ELOY)

Extension of time granted to October 2, 2006, to file the appellant's opening brief. After that date, only two further extensions totaling about 120 additional days will be granted. Extension is granted based upon Senior Deputy State Public Defender Marianne D. Bachers's representation that she anticipates filing that brief by January 31, 2007.

S137951

**DEHUFF (CHRISTOPHER) ON
H.C.**

Extension of time granted to August 21, 2006 to file AG's informal response.

S143746

HUGHES (DEREK) ON H.C.

On application of respondent Jennifer A. Neill, Supervising Deputy Attorney General, and good cause appearing, it is ordered that the time to serve and file the informal response is extended to and including August 30, 2006.

S144759**BLAIR (JAMES N.) ON H.C.**

Extension of time granted to October 2, 2006, to file the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 160 additional days are contemplated. Extension is granted based upon Deputy Attorney General April S. Rylaarsdam's representation that she anticipates filing that document by January 29, 2006.

S111336**FIGUEROA (VICENTE B.) ON H.C.**

Pursuant to petitioner's request filed on July 27, 2006, petitioner's exhibits, nos. 70, 72, 147, 148, 161 and 163, are ordered withdrawn.

S145423**MCCARTHY v. S.C.(SHEA)**

Transferred to CA 2 for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S143716**AMOROSE ON DISCIPLINE**

It is ordered that **FREDERICK JOSEPH AMOROSE, State Bar No. 73597**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days actual. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed April 12, 2006. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S143717**GYAMFI ON DISCIPLINE**

It is ordered that **NANA SERWAAH GYAMFI, State Bar No. 171480**, be suspended from the practice of law for two years and until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that she be placed on probation for two years subject to the conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 11, 2006. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are to be paid in equal amounts prior to February 1 for the two billing cycles following the effective date of this order. It is further ordered that if **Nana Serwaah Gyamfi** fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining

balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S143719**FLORES ON DISCIPLINE**

It is ordered that **SIDNEY CARL FLORES, State Bar No. 64082**, be suspended from the practice of law for two years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for four years on condition that he be actually suspended for 60 days and until he employs a Certified Public Accountant,; provides his or her name and obtains the approval of the Office of Probation as more specifically set forth in the order approving stipulation. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed March 16, 2006, as modified by its order filed April 7, 2006. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If he is actually suspended for 90 days or more, it is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S143720**HUTCHINSON ON DISCIPLINE**

It is hereby ordered that **HENDLEY CLAY HUTCHINSON, State Bar No. 191891**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. **Hendley Clay Hutchinson** is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S143722**BORNSTEIN ON DISCIPLINE**

It is ordered that **DAVID JAMES BORNSTEIN, State Bar No. 65256**, be suspended from the practice of law for four years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for three years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4 (c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 22, 2006, as modified by its order filed on May 2, 2006. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension or within one year after the effective date of this order, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn.8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the

effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and one-half of said costs be paid with membership fees for the years 2007 and 2008. It is further ordered that if respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S143727**BOYLAN ON DISCIPLINE**

It is ordered that **Nelson Ross Boylan, State Bar No. 75899**, be suspended from the practice of law for two years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct; that execution of the suspension be stayed; and that he be placed on probation for four years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 24, 2006. Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10, and one-half of said costs be paid with membership fees for the next two billing cycles. It is further ordered that if Nelson Boylan fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable

both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S143729**MOBERLY ON DISCIPLINE**

It is hereby ordered that **MICHAEL KRISTIAN MOBERLY State Bar No. 196374** be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S143732**THOMSON ON DISCIPLINE**

It is hereby ordered that **B. JOE THOMSON State Bar No. 145816** be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S145366**GONZALEZ ON RESIGNATION**

The voluntary resignation of **ANNA MARIE GONZALEZ, State Bar No. 199860**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should she hereafter seek reinstatement. It is ordered that she comply with rule 955 of the California Rules of Court and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S145367**HALL ON RESIGNATION**

The voluntary resignation of **KEITH E. HALL, State Bar No. 86025**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S145368**MCGRATH ON RESIGNATION**

The voluntary resignation of **THOMAS H. MCGRATH, State Bar No. 121996**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S145370**FUNDIN ON RESIGNATION**

The voluntary resignation of **JIM ALLEN FUNDIN, State Bar No. 85873**, as a member of the State Bar of California is accepted.

S145371**GILDER ON RESIGNATION**

The voluntary resignation of **PETER R. GILDER, State Bar No. 42823**, as a member of the State Bar of California is accepted.

S145373**GLADFELTER ON RESIGNATION**

The voluntary resignation of **JANET KAY GLADFELTER, State Bar No. 73534**, as a member of the State Bar of California is accepted.

S145374**SOBEL ON RESIGNATION**

The voluntary resignation of **ROBERT ALLEN SOBEL, State Bar No. 48707**, as a member of the State Bar of California is accepted.

S145375**BERTRAND ON RESIGNATION**

The voluntary resignation of **JAMES FRANCIS BERTRAND, State Bar No. 50121**, as a member of the State Bar of California is accepted.

S145376**CLARK ON RESIGNATION**

The voluntary resignation of **CHRISTOPHER ALBERT CLARK II, State Bar No. 68262**, as a member of the State Bar of California is accepted.

S145377**KESTER ON RESIGNATION**

The voluntary resignation of **Shelley Anne Kester, State Bar No. 142917**, as a member of the State Bar of California is accepted.

S145380**MCNAIR ON RESIGNATION**

The voluntary resignation of **Matthew William McNair, State Bar No. 199141**, as a member of the State Bar of California is accepted.

S145381**PEDERSEN ON RESIGNATION**

The voluntary resignation of **Dale Walter Pedersen, State Bar No. 62378**, as a member of the State Bar of California is accepted.

S145382**HUNTER ON RESIGNATION**

The voluntary resignation of **NINAH JO HUNTER, State Bar No. 139049**, as a member of the State Bar of California is accepted.

S145384**JOHNSON ON RESIGNATION**

The voluntary resignation of **ERIK REID JOHNSON, State Bar No. 82009**, as a member of the State Bar of California is accepted.

S145386**JOSEPH ON RESIGNATION**

The voluntary resignation of **LAWRENCE ANTHONY JOSEPH, JR., State Bar No. 75460**, as a member of the State Bar of California is accepted.

S145387**LOYND ON RESIGNATION**

The voluntary resignation of **THOMAS CRAIG LOYND, State Bar No. 38810**, as a member of the State Bar of California is accepted.

S145388**FINGER ON RESIGNATION**

The voluntary resignation of **ROBERT JAMES FINGER, State Bar No. 93761**, as a member of the State Bar of California is accepted.

S145390**HEIMBICHNER ON
RESIGNATION**

The voluntary resignation of **ROBERT CRUZ HEIMBICHNER, State Bar No. 104524**, as a member of the State Bar of California is accepted.

S145391**O'NEILL ON RESIGNATION**

The voluntary resignation of **Andrea Mullarkey O'Neill, State Bar No. 197141**, as a member of the State Bar of California is accepted.

S145392

WHITE ON RESIGNATION

The voluntary resignation of **Jack Raymond White, State Bar No. 32382**, as a member of the State Bar of California is accepted.